

19 43

File No. 5226/36

A CLASS

P.W. DEPARTMENT

EL. BRANCH

Subject:— *Electric License*
Dharwar
Recommendation and Report
of the Electricity Advisory
Board

A []

File No. 5226/36

DOCKET SHEET

Subject:—

File No. 5226/36
PW DEPT.
KL BRANCH.

References:—

Date.	To whom sent	Notes and instructions.
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Examined
2.8.24.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 23rd November 1926.

No. 2889.—In exercise of the powers conferred by section 3 (1) of the Indian Electricity Act, IX of 1910, the Governor in Council is pleased to sanction the following license under the aforesaid Act being granted to Rao Bahadur Gopal Anant Giri, Dharwar, for the supply of electrical energy in the areas with the powers and upon the terms and conditions specified below :—

THE DHARWAR ELECTRIC LICENSE, 1926.

LICENSE FOR THE SUPPLY OF ENERGY GRANTED BY THE GOVERNMENT OF BOMBAY, UNDER THE INDIAN ELECTRICITY ACT, 1910, AS AMENDED.

License is hereby granted to Rao Bahadur Gopal Anant Giri, Dharwar, to supply energy in the area with the powers and upon the terms and conditions all specified below.

1. *Short Title.*—This License may be cited as “The Dharwar Electric License, 1926.”

2. *Interpretation.*—The several words, terms and expressions to which by the Indian Electricity Act, 1910, as amended or by the Rules thereunder meanings are assigned shall have in this License the same respective meanings, provided that in this license :—

- (1) the Act shall mean the Indian Electricity Act, 1910, as amended;
- (2) the expression “the Licensee” shall mean and include the said Gopal Anant Giri and his permitted assigns;
- (3) the expression “deposited map” shall mean the plan of the area of supply hereinafter specified which is deposited with Government in pursuance of the rules under the Act, which plan is signed for the purpose of identification by the Joint Secretary to the Government of Bombay in the Public Works Department and by the applicant under the name and style of Gopal Anant Giri;
- (4) the expression “the commencement of this License” shall mean the date of the notification by the Government of Bombay in the *Bombay Government Gazette* that this License is granted.

3. *Security.*—(1) The period within which, under clause 1 (a) of the Schedule to the Act the licensee shall show that he is in a position fully and efficiently to discharge the duties and obligations imposed upon him by this license throughout the area of supply shall, unless otherwise ordered by the Government of Bombay under that clause, be two years from the commencement of this license.

(2) The period within which under clause 1 (b) of the Schedule to the Act the licensee shall deposit or secure such sum as therein mentioned, and the sum to be so deposited or secured shall, unless otherwise ordered by Government under that clause, be six months from commencement of this license and Rupees Two thousand respectively.

4. *Area of Supply.*—The area within which the supply of energy is authorised by this license (the area of supply under the Act) is the whole of the area within the Dharwar Municipal boundary, and also such portions of the Dharwar City Survey as fall without the Dharwar Municipal boundary, together with the whole of the area within the Dharwar Cantonment boundary; the boundaries whereof are delineated in the deposited map.

5. *Purposes of Supply.*—(1) Subject to the provisions of this License and the Act and to the Rules thereunder the licensee shall be entitled during the continuance of this license to supply energy within the area of supply for all purposes and to other licensees for their own purposes and in bulk.

Provided that no supply of energy shall be commenced to be given by the licensee to any owner or occupier of private premises or in bulk to a distributing licensee until the Government of Bombay have approved the form of requisition to be made by such owner or occupier or distributing licensee for such supply of energy and also the form of written contract or agreement with the licensee to take a supply of energy which is to be executed or entered into by such owner or occupier or distributing licensee and until the Government of Bombay have also approved the amounts of all the miscellaneous charges which the licensee proposes to make against such owner or occupier or distributing licensee incidental to or in connection with such supply.

(2) Clauses V, VI, VII, IX, X, XI of the Schedule to the Act shall wherever necessary be read as expressly added to or varied to the extent set out in the proviso to sub-clause (1) of this clause.

(3) The licensee shall not supply electrical energy to any premises unless the owner or occupier of such premises shall have satisfied the licensee that all work including repairs relating to electric wires, fittings and apparatus on such premises has been carried out by or under the supervision of a licensed electrical contractor or such other person as may be approved by the Electrical Engineer to Government and clause VI of the Schedule to the Act shall be modified accordingly.

6. *Limits within which the supply of energy is to be compulsory.*—(1) The Licensee shall within a period of three years after the commencement of this License execute works to the satisfaction of the Government of Bombay for the purpose of a continuous supply of electric energy throughout such streets or parts of streets as are mentioned below and which are coloured orange on the deposited map:—

- (i) From Adabi Oni along Market Road, in the Market itself, and along Kacheri Galli as far as Mangalwar Peth.
- (ii) From Adabi Oni along Market Road and Shilwant Lane, and
- (iii) Kamankatha as far as Mangalwar Peth.
- (iv) From Taluka Kacheri Galli along Mangalwar Peth as far as Kamankath.
- (v) From Taluka Kacheri Galli along Panch Kacheri Lane and Shukurwar P. far as Lakhumanhalli Galli.
- (vi) From Panch Kacheri Lane along Jawali Peth to Mangalwar Peth.

(2) The Licensee shall submit to the Electrical Engineer to Government every six months from the commencement of this License until the completion of in the compulsory area specifying progress made.

(3) If the licensee fails to comply with the provisions of sub-clause (1) of this the license may be revoked.

7. *The generating station.*—The generating or the receiving station as the case may be shall be situated within the area of supply above referred to.

8. *Limits of Price to be charged in respect of the supply of energy.*—The prices to be charged by the licensee for energy supplied by him shall not exceed the maxima set out below or in case of a method of charge approved by Government under section 23 (8) of the Act such maxima as Government may fix on approving the method:—

- (1) Metered energy at a rate of eight annas per unit, exclusive of meter rent of one rupee per month.
- (2) Unmetered energy at a rate of Rs. 2 per month for each twenty watt lamp burning for not more than five hours a day.
- (3) A minimum monthly charge, exclusive of any meter rent, of Rupees three per month.
- (4) In the case of large consumers contracts may be made for fixed periods at rates as do not exceed the rate in sub-clause (1) above.
- (5) The term "unit" occurring above shall be deemed to mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

9. *System of supply.*—(1) The system of supply will be Alternating Current phase, 4-wire, periodicity being 50 cycles per second. The pressure of supply will be as under:—

- (a) 230 volts per phase for general purposes, viz., lights, fans, heaters, etc.
- (b) 400 volts between phases for purposes other than those specified in (a).
- (c) Any voltage up to 6,600 volts for feeders and for supplying current to any large consumer for power purposes.

The feeders, distributing mains, and service lines may be overhead or under ground provided that wherever and whenever required to do so in writing by the Government of Bombay such feeders, distributing mains, or service lines shall be laid underground.

Provided that no work or works shall be commenced by the Licensee unless and until the method of construction shall have been previously approved in writing by Government.

Provided further that where overhead mains are used they shall be nowhere at a less height than 30 feet from the ground at all crossings and at all places where Taboots are likely to pass during the Mohurram procession.

Provided also that nothing in this license shall authorise the licensee to use overhead mains at any higher pressure than the medium pressure without the sanction in writing of the Local Government in each case and subject to any conditions or limitations which the Local Government may prescribe.

(2) For the purpose of Rule 61 of the Indian Electricity Rules 1922 the maximum wind pressure shall be taken as 12·5 pounds per square foot.

10. *Purchase of undertaking.*—(1) The option of purchase given by section 7, sub-section (1) of the Act shall be exercisable first on the expiration of 40 years from the commencement of this license and on the expiration of every subsequent period of ten years. The percentage of the value to be determined in accordance with and for the purpose of section 7 (1) of the Act of the lands, buildings, works, materials, and plant of the licensee therein mentioned to be added under the second proviso of that sub-section to such value on account of compulsory purchase shall be ten per cent.

(2) In accordance with section 3, sub-section (2), clause (d) (ii), of the Act, it is hereby declared that the generating station belonging to the licensee and used in connection with the undertaking, or, if energy is bought from any other person or company the receiving and distributing sub-stations used in connection with the undertaking shall form part of the undertaking for the purpose of purchase under section 5 or section 7 of the Act.

Dated this twenty-third day of November 1926.

Signed by order of His Excellency the Right Honourable
the Governor in Council,

K. S. FRAMJI,
Joint Secretary to Government.

By order of the Governor in Council,

K. S. FRAMJI,
Joint Secretary to Government.

The Association of Electrical Undertakings
Bombay Province

ALLAHABAD BANK BUILDINGS,
APOLLO STREET,

Ref. No. *64/35/26*. *Bombay*, 26th April 1941.

The Deputy Secretary to the Government of Bombay.
Public Works Department,
Bombay.

Dear Sir,

Dharwar Electric Supply Co. Ltd.

The above Company, a Member of this Association, has appealed to the Council of this Association for help in connection with the enquiry recently carried out into its affairs by the Government Advisory Board. While the Advisory Board's Report and Government's Orders in respect of the enquiry are awaited, the Council of this Association would draw the attention of Government to the fact that so far as we are aware, proper consideration was not given to the conservation of the industry's resources and a fair return to the investors in the investigation carried out in respect of this Company.

Moreover this Association regards that the Board, as constituted, was not properly equipped for the task which it was set and that the summary manner in which the whole enquiry was conducted is questionable.

Yours faithfully,

Pran Anjan

Secretary.

Acknowledge

[Signature]
30-4-41

[Signature]
6/5/41

Issued ack
[Signature]
8/5/41

(M.B.) Submittal

2 The Advisory Board's

report on the 2 Harrow Electric
Supply Co Ltd. has not yet been
received. Until it is received,
no action is called for on this
communication. The El Eng.

ELECTRICAL ENGINEER
TO GOVERNMENT
Inwd. No. 770
13 MAY 1941
File No. *[Signature]*
P. W. D., BOMBAY

to Govt may perhaps see

us. for remarks, if any.

[Signature]
9-5-41

[Signature]
15/5

PUBLIC WORKS DEPARTMENT
FILED 5226/36
28. APR 1941
8229

M.B.
29/4
[Signature]
20/4

U.O. to El. Eng. to forward details

[Signature]
From
28/5

[Signature]
28-4-41

A

Below U.O.R. No. 5226/36/8229 dated 12th May 1941 from
Government in the Public Works Department.

No. *231* / 540 of 1941.
Bombay, 13th May 1941.

Returned with compliments.

2. The Advisory Board's report on the Dharwar Electric
License will be submitted to Government early in July next.



Electrical Engineer to Govt.

*R.

(M.B) Submitted for information

2. The Advisory Board's
report on the Shawan Electric
Supply Co. L^{td} may be awaited.
No action is called for in the
meantime on the Association's
letter of the 26-4-41. The receipt
of the letter has been acknowledged.

4-5-41

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PUBLIC WORKS DEPARTMENT	
File No.	5226/36
13 MAY 1941	
Serial	9237

MD

13-5-41

Sur

CONFIDENTIAL.

All communications should be addressed to THE
ELECTRICAL ENGINEER TO GOVERN-
MENT by title only and NOT by name.
Telegraphic address—ELEXEN, BOMBAY.
Telephone No. 39165.

OFFICE OF
THE ELECTRICAL ENGINEER TO GOVERNMENT,

P. W. D. OFFICES, CHURCH GATE STREET :

Bombay, 18th July 1941.

In reply please quote without fail No. 31/1156 of 1941.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,

Public Works Department,

BOMBAY;

To

The Secretary to Government,
Public Works Department,
Bombay.

Sir,

Re:- Recommendations and Report of the Advisory Board
for the area covered by the Dharwar Electric
License, 1926.

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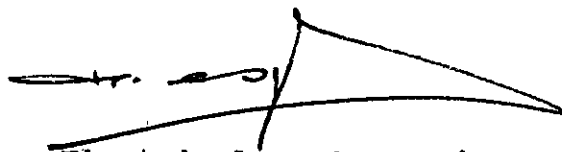
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about

I have the honour to forward the Recommendations and
Report of the Electricity Advisory Board for the area covered by
the Dharwar Electric License, 1926, appointed as per Government
Resolution, Public Works Department, No. 3398/36 dated the 13th of October 1939.

I have the honour to be,

Sir,

Your most obedient servant,



Electrical Engineer to Govt.

Encl: 1.

P.

MB 1817

PUBLIC WORKS DEPARTMENT

File No. 5226/36

18. JUL 1941

Serial No. 13854

Conf. - d
MB
18-7-41

(M.B.) Submitted.

2. In G.R.No.3398/36, dated the 13-9-1939, the Advisory Board constitute under Sec.35 of the I.E.Act, 1910, was requested to enquire into and advise Govt. what alterations, if any, should be made in the maxima rates for the supply of electrical energy fixed by the Dharwar El.License, 1926. The Board has now submitted its report and recommendations which are put up on the case board.

3. It may be stated at the outset that in 1938 the Electricity Advisory Committee had carried out a detailed enquiry into the question of rates charged by the Dharwar Electric Supply Co.Ltd. and made certain recommendations regarding revision of maxima charges. The Co. was asked to reduce its rates of supply accordingly, but as it refused to do so, the question was reftd.to the Advisory Board as stated above.

4. A statement showing the maxima rates fixed in the license, the rates at present charged by the Co. and the maxima rates recommended by the Board will be found at Slip A. It will be seen from this statement that the license prescribes only one uniform rate, viz. annas eight per unit, for energy supplied. No separate rates have been laid down in the license for lighting, power and other appliances. The Co. has however of its own accord formulated different rates for different classes of supply. Against the sanctioned rate of annas eight ...

< 72 2479/36 - p 6

§ — 80 - p 31

Q v. w. Col 2 7 125 Slit
Slit A

eight/ per unit, the Co. charges at present annas 6 per unit for lights and fans, with a concession rate of annas five per unit for hospitals and charitable institutions. It also charges annas 3 per unit for heaters, refrigerators and household pumps. The current rates for motive power are annas 3 per unit upto 4 B.H.P. and annas 2 per unit above that, or in the alternative, a standing charges of Rs.4/- per K.W. connected plus anna one per unit. The Advisory Board has recommended that the Co. may be allowed to charge the rates which it is charging at present as the maxima and the maxima rates prescribed in the license may be altered accordingly. In other words, there will be no reduction in the rates actually charged by the Co. at present. The maxima rates prescribed in the license will be merely reduced to the level of those now actually charged by the Co.

5. So far as the minimum charge is concerned, ~~xx~~ it will be seen from the statement ^Q that the license prescribes a minimum charge of Rs.3/- p.m only. As the Board has no power to alter the minimum charge, it has not made any recommendation in this respect. It appears from the Co's current ^x schedule of charges that in the case of motive power for house hold pumps and for industrial purposes, the minimum charges levied by the Co. are higher than the charge prescribed in the license, viz. Rs.3/- p.m. This seems to

x Vis para 16 of the
report and up

Q Sch A

x Sch A - col 2

* Vini p 2 of Mr
recommendations

2 Vini para 13 (iv) of
Mr report

to be irregular and will have to be discontinued by the Co. It is however open to the Co., as observed by the Board, to apply for an amendment of the license in this respect, if it wishes to continue the present charges.

6. The Board's report is self contained and does not call for any remarks. A return of 7½% has been allowed to the investors, as was done in the case of Poona. It is for orders whether the Board's recommendations may be accepted and orders issued accordingly. The Secy., F.D., may perhaps see u.o. before submission, as was done in similar cases in the past.

7. No action is called for on the letter dated the 26-4-1941 from the Assocn. of Electrical Undertakings. It will be seen from the report that the matter has been very fully ^{and} ~~for~~ fairly considered by the Board and the investors have been dealt with in the same way as in the case of the Poona El. Supply Co. Ltd. So far as the constitution of the Board is concerned, the Assocn. has been separately informed that the views put forward by it will be carefully considered by Govt., should it become necy. to appoint another Board.

The
2-8-41. The Board appears to have gone very carefully into the case; the Report is fully detailed & I consider the findings may be accepted. Secy. F.D. may see before submission as has been done in other cases.

P.M.A.
4/8

5226/36

14

Passed on for remarks of any

1 Aug 1978

Aug 79

I have had this report scrutinised in F.D., but it is, I expect, ^{known} ~~known~~ to Government that the scope of such a scrutiny is restricted by the limitations imposed by statute on Government's powers to reduce supply rates. Under section XI of the Schedule to the Indian Electricity Act, the Provincial Government may either accept the findings of the Advisory Board or reject them totally; they seem to have no power to modify them. If, therefore, it happens in any particular case that the recommendations of the Board, though in the right direction, do not go far enough, Government are helpless. They may, as a choice between two evils, accept the recommendations, and have another Board after five years, but beyond this they cannot go.

2. In the case now under discussion, the Advisory Board has been consistently more liberal to the Company than the Advisory Committee, -- and this is in spite of the fact that the revenue has gone up substantially. The following statement illustrates the position:-

Recommendations	Committee	Advisory Board
	<u>File 2979/36</u>	<u>Green file</u>
1. Percentage return on the invested capital.	6% subject to income-tax. p.29	7½% subject to income-tax. p.9
2. Amount of fair return allowed.	Rs.14,775 p.31	Rs.19,250 p.10
3. Managing Agents' remuneration.	Consolidated commission of 7½% of net profits subject to a minimum of Rs.3600 p.a. p.25	10% of net profits subject to a minimum of Rs.6000 p.a. p.9
4. Depreciation allowed p.a.	Rs.8,050 p.13	Rs.8,000 p.9
5. Other items of working expenses.	Rs.30,980 p.31	Rs.34,400 p.10
6. Margin for unforeseen contingencies.	Nil	Rs.5,000 p.10
7. Maximum rates suggested:-	p.39	Stt.A
(i) Lighting and fans.	(i) 5.5 annas per unit.	(i) 6 as. per unit.
(ii) Domestic heating, refrigerators, etc.	(ii) -do- -do-	(ii) 3 as. per unit.
Power.	A standing charge of Rs.1-8 per B.H.P. p.m. plus ¾ anna per unit.	(i) Motive power for household pumps at 3 as. per unit. (ii) Motive power for industrial purposes at 3 as. per unit upto 4 B.H.P. & 2 as per unit for 5 B.H.P. and above.

A detailed review of the above figures and others incorporated in the report suggests that it would not have been improper for the Board to repeat the recommendations of the Committee, without doing any injustice to investors in this Company. However, it seems useless to pursue this point. Although, broadly speaking, the recommendations of the Board involve merely the maintenance of the existing rates, these rates are less than the maxima laid down in the license; and the difference between the recommendations of the Board and the Committee are not substantial. Therefore

I consider that Government would be well
advised to accept the findings of the
Board.

HP 2078

Secy., P.W.D. I agree
Submitted

21/8

W. M. S. S. S.

21841

A (F)

H.E. M. Brown (Manager Bury C.)

11/23/41

✓ H.E. agree
21/8/41

21/8/41
21/8/41
21/8/41

Draft Order.

P.W.Deptt.

B.C., 1941.

④ Copy attached to H.
detailed sheet

No.5226/36.- Whereas by Govt. Notifn. in the Public Works Department No.3398/36, dated the 13th Sept.1939, the Govt. of Bombay was pleased to constitute under Sec.35 of the I.E.Act, 1910 (IX of 1910) (hereinafter referred to as "the said Act"), an Advisory Board (hereinafter referred to as "the Board") for the area covered by the Dharwar Electric License, 1926, (hereinafter referred to as "the said license")

And whereas in pursuance of the first proviso to clause XI of the Schedule to the said Act, the Govt. of Bombay referred to the Board the matter regarding alterations, if any, to be made in the maxima charges for the supply of energy fixed by the said license,

And whereas the Board has recommended certain alterations in these charges,

Now, therefore, in pursuance of the provisions of the said first proviso to ~~the~~ clause XI of the Schedule to the said Act, and in accordance with the recommendations of the Board, the Govt. of Bombay is pleased to order that, with effect from the _____ 1941, the maxima charges for the supply of energy fixed by the said license, and specified in clause 8 thereof, shall be altered as follows, namely :-

(1) The rate for metered energy specified in item (1) shall be altered

as

as follows :-

General purposes: Lighting, Fans, etc.

(i) Lighting and Fans.

(a) For residential and commercial premises, clubs, etc. - Annas six

per unit.

(b) For hospitals, churches, temples & mosques - Annas
 (ii) For domestic heating, cooking, ^{five per unit}

radios and refrigerators - Annas
 three per unit.

Motive Power for household pumps.

Annas three per unit.

Motive power for industrial purposes.

Annas three per unit upto 4 B.H.P.
 and annas two per unit for 5 B.H.P.
 and above.

(2) The rate for meter hire specified
 item (1) shall be altered as follows:-

For single phase meter. - Annas
 eight per month.

For polyphase meter - Rupee one per
 month.

By order of the Govr. of Bombay,

*of Annas 8 or 10 - Annas
 for 2 units -*

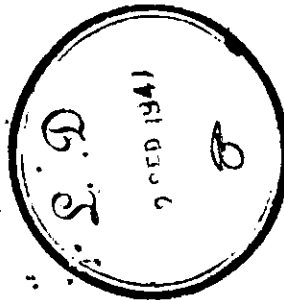
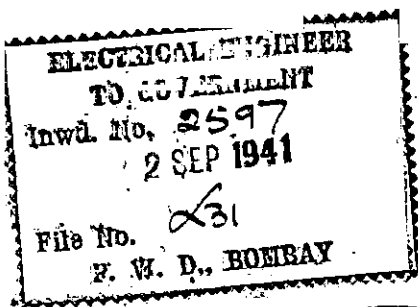
(M.B.) Submitted.

2. In view of the decision on p. 16 ante to accept the findings of the Advisory Board, a draft order is put up for approval. The El. Engr. to Govt. and the R.L.A. may see u.o. whether it is in order.

GR
30/8

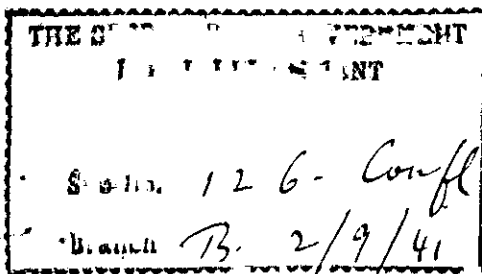
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report

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U. O. to El. Engr. to Govt. & R.L.A. d. 1-9.



Sub

*with El Engr
to Govt & R.L.A*



Below U.O.R.No.5226/36, dated the 1st September 1941,
from Government in the Public Works Department.

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No. *231/* 1683 of 1941.
Bombay, *2nd* September 1941.

Returned, with compliments.

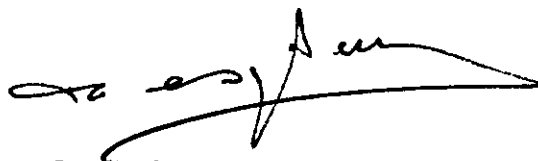
2. It is suggested that para.1 ^{p18 (i)} (1) under "General Purposes:
Lighting and Fans, etc." be worded as follows:

"For Domestic Heating, Cooking, Refrigeration and Appliances,
including Radios:

Annas 3 per unit.

Where there is no special circuit for the above, the lighting
and fan rate shall be applicable".

3. The reason for adding the portion regarding a special
circuit is that small radios take a very small amount of current
and it is a more economical proposition to use these on the
lighting and fan circuit rather than to put in a special circuit
for the same. The special circuit is put in at the expense of
the consumer, the meter being supplied and installed by the
Supply Company. The additional wording will avoid disputes
between the consumers and the Supply Company.



Electrical Engineer to Govt.

P.

Through:

The Remembrancer of Legal Affairs.

Order.

Public Works Department.

Bombay Castle,

1941.²

④ Copy attached to the
docket sheet

No. 5226/36.^A Whereas by Government Notification in the Public Works Department No. 3398/36, dated the 13th September 1939, the Government of Bombay was pleased to constitute under section 35 of the Indian Electricity Act, 1910 (IX of 1910) (hereinafter referred to as "the said Act") an Advisory Board (hereinafter referred to as "the Board") for the area covered by the Dharwar^{M-3} Electric License, 1926, (hereinafter referred to as "the said license");

And whereas in pursuance of the first proviso to clause XI of the Schedule to the said Act, the Government of Bombay referred to the Board the matter regarding alterations if any, to be made in the maxima charges for the supply of energy fixed by the said license;

And whereas the Board has recommended certain alterations in these charges;

Now, therefore, in pursuance of the provisions of the said first proviso to clause XI of the Schedule to the said Act, and in accordance with the recommendations of the Board, the Government of Bombay is pleased to order that with effect from the 1st ~~December~~ ^{January} 1942, the maxima charges for the supply of energy fixed by the said license, and specified in condition 8 thereof¹²

shall be altered as follows, namely :-

(1) The rate of annas eight per unit for supply of metered energy specified in clause (1) of the said condition ^{p2} 8 shall be altered as follows :-

(i) where the energy is supplied for lights and fans for residential and commercial premises and clubs, the rate shall be altered to annas six per unit;

(ii) where the energy is supplied for lights and fans for hospitals, churches, temples and mosques, the rate shall be altered to annas five per unit;

(iii) where the energy is supplied for domestic heating, cooking, radios and refrigerators, the rate shall be altered to annas three per unit;

Provided that where there is no special circuit for the supply of energy for such purposes, the prices shall be charged at the rates prescribed for the supply of energy for lights and fans.

→ (iv) where the energy is supplied for motive power for household pumps, the rate shall be altered to annas three per unit; and

(v) where the energy is supplied for motive power for industrial purposes, the rate shall be altered to annas three per unit up to and including 4 B.H.P. and annas two per unit for 5 B.H.P. and above.

(2) The rate of one rupee per month for hire of meter specified in clause (1) of the said condition ^{p2} 8 shall be altered as follows :-

(i) in the case of a single phase meter the rate shall be altered to annas eight per month; and

(ii) in the case of a polyphase

meter the rate shall be altered to
rupee one per month.

B

By order of the Governor of Bombay,

Secretary to Government.

^{M 23-27}
A revised draft order is sent herewith.

2. Clause XI of the Schedule to the Indian Electricity Act, 1910, empowers Government to make an order in accordance with the recommendations made by the Advisory Board. Government has no power under this clause to make an order modifying the recommendations made by the Board. The proposal of the Electrical Engineer at page 21 ante for making an order with the modification suggested by him is not, therefore, legally feasible. (Please see in this connection paragraph 1 of Secretary, F.D's note at page 14 ante). The change suggested by the Electrical Engineer has not therefore been included in the revised draft order.

^{P. M. 000}
Remembrancer of Legal Affairs.

^{18/9}
U.R. to P.W.D., No. 203-P. Conf. dated the 17th September 1941.

D.L.B.

Sub 19-1

PUBLIC WORKS DEPARTMENT	26 28 19/3 27
File No. 5 226/36	
19. SEP. 1941	
Work No. 18014	

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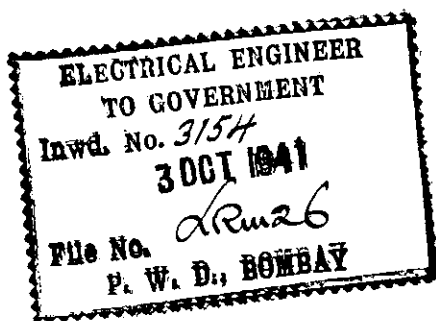
(M.B.) Submitted.

2. The revised draft^{Wp 23-27} furnished by the R.L.A. seems to be in order and may be approved. The alteration in rates may be brought into effect from the 1-12-1941. The necessary draft^{Wp 33-35} orders are put up for approval. The El. Engr. to Govt. may see u.o. before submission.

h
26-9-41 I am afraid that I do not agree. I do not think the R.L.A. has fully understood the question. But does not propose to alter the findings of the Board, but merely to express them in such a way that future trouble may be avoided.

Perhaps the question might be referred back to the Board.

The El. Engr. to Govt. may see a.o. & advise.



the copy of recom. report

h
26/9/41

Wp
27/9
Concl.
** U.O. to El. Engr. to Govt. d. 27-9-41*

(To be published in Pt. I of the B.G.G.).

1. 12 Act, 1910.

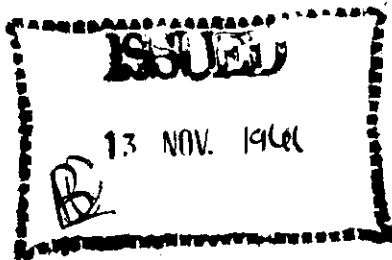
No. 5226/36. *copy*

P.W.D., B.C., / *24* ~~Sept~~ 1941.

ORDER.

(Enter A to B on pp. 23-27.).

By order of the Govr. of Bombay,



Expedited on Phone for
copies of G.N. on 22/11/41
an-1

26-9-41

5226/36.

No. 5226/36_M.

P.W.D., B.C. *File 605* ~~1941~~, 1941.

To

The Managing Agents,
The Dharwar El. Supply Co. Ltd.

Subject:- The Dharwar El. License,
1926.- Orders re:
alteration of the maxima
charges fixed by the -

Dear Sirs,

With ref. to G.L.No. 3398/36_M,
dated the 25th S./C. 1939, I am directed
to forward herewith a copy of the
recommendations of the Advisory Board
refd. to therein and to state that Govt.
has accepted the Board's recommendations
and has ordered that the maxima charges
for the supply of electrical energy
fixed by the Dharwar El. License, 1926,
should be altered in accordance there-
with with effect from the ~~1-1-1941~~ ¹⁻¹⁻¹⁹⁴².

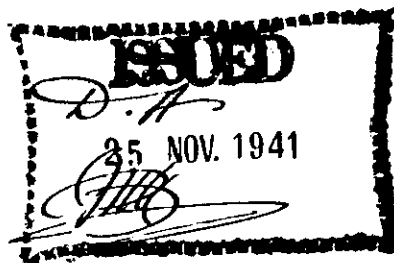
A copy of G.O.No. 5226/36, dated the
12th November 1941, issued in this connection
is enclosed herewith for your informa-
tion and guidance.

Yours faithfully,

+ Ld 3398/36 - p 88

will be put up by reg

2 M-2 of the file
in sub A



D.A.-(1) Copy of the Adv. *L*
Board's recommendations,
(2) Copy of the G.O. *p33*
referred to.

GR
23/9

22

The Dharwar El. License, 1926.
Orders re: alteration of the
maxima charges fixed by the -

Govt. of Bombay.
P. W. D.
Reso. No. 5226/36.
B. C., 12th ~~September~~ 1941.

*L. After alteration to be
done in the*

Read G.R. No. 3398/36, dated the
13-9-1939.

Letter from the El. Engr. to Govt.,
No. L 31/1156, dated the 18-7-41, as under:-

(Enter)

129

Read memo. from the R.L.A. No. 203-P-

*Read memo from the El. Engr. to Govt.,
No. L Rm 26/2028, D No 3-10-41,
p 39*

*Read memo from the R.L.A. No 324 Conf.,
D No 4-11-1941, p 41*

Confl., dated the 17-9-1941.

RESOLUTION:- The Govt. of Bombay

is pleased to accept the recommendations
of the Advisory Board appointed in G.R.
No. 3398/36, dated the 13-9-1939 and to
order that the maxima charges for the
supply of electrical energy fixed by the
Dharwar El. License, 1926, should be
altered with effect from the 1st ~~Dec.~~ *January*
1942, in accordance with the Board's
recommendations, as set out in the Govt.
Order appended hereto. The Order should
be published in the B.G.G.

To

- * The G.D.
- * The F.D.
- * The Commr., S.D.
- * The Collr. of Dharwar.
- * The S.E., S.C.
- * The El. Engr. to Govt.
- * The Ex. Engr., Dharwar Dn.
- * The A.G., Bombay.
- ** D/B Krishnalal M. Jhaveri.
- ** Mr. V.N. Vartak, I.S.E.
(Retd.).
- ** Sir Alexander Gray, Kt.
- ** The Examiner, Outside Audit.
- ** Mr. R.G. Higham.
- ** The Managing Agents,
The Dharwar El. Supply
Coy. Ltd.

*with copy of G.N.

**By letter.

By order of the Govr. of Bombay,

*h
26-9-41*

5/

Extract Minute No.7 of the meeting of the Electricity Advisory Board held on Friday, the 26th September 1941, at 9.45 a.m. in the office of the Electrical Engineer to Government, P.W.D. Offices Bombay.

=====

"7. The Secretary put before the Board the correspondence with Government regarding the maxima rates for Dharwar put forward in the recommendations for Domestic Heating, Cooking, Refrigeration and Appliances, including Radios - As.3, and suggested that the following additional wording be put in the clause:

"Where there is no special circuit for the above, the lighting and fan rate shall be applicable"

in order to prevent any disputes between the consumers and the licensees. The Board agreed to the additional wording".

Krishnaiah on Chairman

CHAIRMAN.

Below U.O.R.No.5226/36 dated the 27th September 1941,
from Government in the Public Works Department.

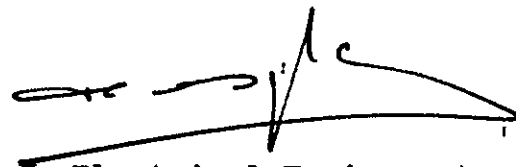
=====

No. *Rem 26/* 2028 of 1941.

Bombay, *3rd* October 1941.

Returned, with compliments.

2. The Remembrancer of Legal Affairs' ^{p25} opinion was put
before the Members of the Board, and an extract of minute No. ^{p37}
22/82-6 7 of the meeting held on Friday, the 26th September 1941, duly
signed by the Chairman, is attached.



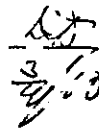
Electrical Engineer to Govt.

100

137

Sub No. 7211

Magat, B. 10/X/41



→

200
H. Kane
87
200

* with Reactions & Reprints

Office of the R.L.A.

Paragraph 1(iii) of the draft Order at page 25 ante may be revised by adding the following proviso thereto:

"Provided that where there is no special circuit for the supply of energy for such purposes, the prices shall be charged at the rates prescribed for the supply of energy for lights and fans."

Remembrancer of Legal Affairs.

M/S/11

U. R. to P.W.D., No. 324-C/11, dated 4-11-1941.

A.

1 Report

PUBLIC WORKS DEPARTMENT
File No. 5226/36
- 5 NOV. 1941
Serial No. 21496

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5/11

Conf

11. JMB
5-11-41

(M.B.) Submitted.

2. The modification suggested by the R.L.A. has been carried out in the draft order on page 25 ante.

3. The alteration in rates may be brought into effect from the 1st January 1942 ~~instead~~ instead of from the 1st December 1941 as originally proposed.

4. The drafts on pp.33-35 ante may now issue.

[Signature]
6-11-41

[Signature]
7/11

[Signature]
10/11

[Signature]
12/11

A(F)

[Signature]

Sy L

Sing

A(F)

The Dharwar Electric License, 1926.
Orders regarding alteration of the
maxima charges fixed by the -

Government of Bombay.
Public Works Department.
Resolution No. 5226/36.
Bombay Castle, 12th November 1941.

Read Government Resolution No. 3398/36, dated the 13th September 1939.

Letter from the Electrical Engineer to Government, No. L. 31/1156, dated the 18th July 1941, as under :-

"I have the honour to forward the Recommendations and Report of the Electricity Advisory Board for the area covered by the Dharwar Electric License, 1926, appointed as per Government Resolution, Public Works Department, No. 3398/36, dated the 13th September 1939."

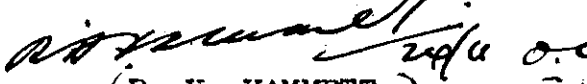
Read memorandum from the Remembrancer of Legal Affairs, No. 203-P-Confl., dated the 17th September 1941.

Read memorandum from the Electrical Engineer to Government, No. LRM. 26/2028, dated the 3rd October 1941.

Read memorandum from the Remembrancer of Legal Affairs, No. 324-Confl., dated the 4th November 1941.

RESOLUTION:- The Government of Bombay is pleased to accept the recommendations of the Advisory Board appointed in Government Resolution No. 3398/36, dated the 13th September 1939, and to order that the maxima charges for the supply of electrical energy fixed by the Dharwar Electric License, 1926, should be altered with effect from the 1st January 1942, in accordance with the Board's recommendations, as set out in the Government Order appended hereto. The Order should be published in the Bombay Government Gazette.

By order of the Governor of Bombay,


(R. H. HAMMETT,)

Deputy Secretary to Government.

To

- *The General Department.
- *The Finance Department.
- *The Commissioner, Southern Division.
- *The Collector of Dharwar.
- *The Superintending Engineer, Southern Circle.
- *The Electrical Engineer to Government.
- *The Executive Engineer, Dharwar Division.
- *The Accountant General, Bombay.

* Not Printed.

*With copy of Government Notification.

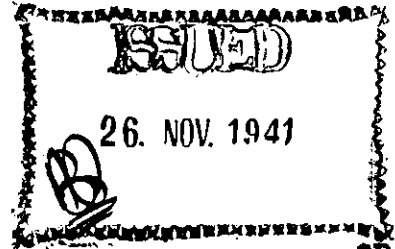
The

**Dewan Bahadur Krishnalal M. Jhaveri.
**Mr. V. N. Vartak, I. S. E. (Retired).
**Sir Alexander Gray, Kt.
**The Examiner, Outside Audit.
**Mr. R. G. Higham.
**The Managing Agents,
The Dharwar Electric Supply Company, Limited.

** By letter. (X)

No. _____ of 1941.

Copy forwarded for information and guidance to.



GR
24/x1

Obtained by Mr. P.

Orders issued after consultation with the
Finance Department
Does remain with this Department and can
be seen when required

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 12th November 1941.

No. 5226/36.—Whereas by Government Notification in the Public Works Department No. 3398/36, dated the 13th September 1939, the Government of Bombay was pleased to constitute under section 35 of the Indian Electricity Act, 1910 (IX of 1910) (hereinafter referred to as "the said Act"), an Advisory Board (hereinafter referred to as "the Board") for the area covered by the Dharwar Electric License, 1926 (hereinafter referred to as "the said license");

INDIAN
ELECTRICITY
ACT, IX
OF 1910.

And whereas in pursuance of the first proviso to clause XI of the Schedule to the said Act, the Government of Bombay referred to the Board the matter regarding alterations, if any, to be made in the maxima charges for the supply of energy fixed by the said license;

And whereas the Board has recommended certain alterations in these charges;

Now, therefore, in pursuance of the provisions of the said first proviso to clause XI of the Schedule to the said Act, and in accordance with the recommendations of the Board, the Government of Bombay is pleased to order that with effect from the 1st January 1942 the maxima charges for the supply of energy fixed by the said license, and specified in condition 8 thereof, shall be altered as follows, namely:—

(1) The rate of annas eight per unit for supply of metered energy specified in clause (1) of the said condition 8 shall be altered as follows:—

(i) where the energy is supplied for lights and fans for residential and commercial premises and clubs, the rate shall be altered to annas six per unit;

(ii) where the energy is supplied for lights and fans for hospitals, churches, temples and mosques, the rate shall be altered to annas five per unit;

(iii) where the energy is supplied for domestic heating, cooking, radios and refrigerators, the rate shall be altered to annas three per unit;

Provided that where there is no special circuit for the supply of energy for such purposes, the prices shall be charged at the rates prescribed for the supply of energy for lights and fans;

(iv) where the energy is supplied for motive power for household pumps, the rate shall be altered to annas three per unit; and

(v) where the energy is supplied for motive power for industrial purposes, the rate shall be altered to annas three per unit up to and including 4 B.H.P. and annas two per unit for 5 B.H.P. and above.

(2) The rate of one rupee per month for hire of meter specified in clause (1) of the said condition 8 shall be altered as follows:—

(i) in the case of a single phase meter, the rate shall be altered to annas eight per month; and

(ii) in the case of a polyphase meter, the rate shall be altered to rupee one per month.

By order of the Governor of Bombay,

C. E. AITKEN,
Secretary to Government.

No. 5226/36-M.
Public Works Department,
Bombay Castle, 12th December 1941.

Memorandum to the Government of Bombay,
Public Works Department.

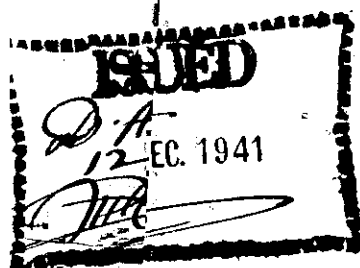
- (1) The Public Works Department, Bombay.
- (2) The Public Works Department, Bombay.
- (3) The Public Works Department, Bombay.
- (4) The Public Works Department, Bombay.
- (5) The Public Works Department, Bombay.

Subject: The Public Works Department, Bombay.
Orders regarding alteration of the
maximum charges fixed by the

Per Sir,

I am directed to forward herewith for your
information a copy of Government Resolution No. 5226/36,
dated the 12th November 1941, on the subject noted above.

Yours faithfully,



Deputy Secretary to the Government of Bombay,
Public Works Department.

D.A. - Copy of Government
Resolution refd. to.

GR
12/12

4/6
14/12/41

7/3
file
W/P/12

o/c

No. 5226/36-M.
Public Works Department,
Bombay Castle, 12th December 1941.

From

The Deputy Secretary to the Government of Bombay,
Public Works Department.

To

- (1) Dewan Bahadur Krishnalal H. Jhaveri,
Pitale Mansion, Kandewadi, Girgaon No. 4.
- (2) V. N. Vartak, Esquire, I. S. E., (Retired),
551, Shanwar Peth, Poona.
- (3) The Examiner, Outside Audit,
Accountant General's Office, Bombay.
- (4) R. G. Higham, Esquire.
- (5) Sir Alexander Gray,
C/o The Bank of India, Bombay.

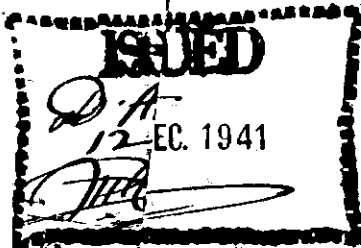
Subject:- The Dharwar Electric License, 1926.
Orders regarding alteration of the
maxima charges fixed by the -

Dear Sir,

I am directed to forward herewith for your
information a copy of Government Resolution No. 5226/36,
dated the 12th November 1941, on the subject noted above.

Yours faithfully,

[Signature]
Deputy Secretary to the Government of Bombay,
Public Works Department.



D.A. - Copy of Government
Resolution refd. to.

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12/12

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19/12/41

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File
19/12/41

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Office of the R.L.A.

It appears that on the recommendation of the Advisory Committee under Clause XI of the Schedule to the Indian -- Electricity Act, 1910, Government has ordered that the Panvel Taluka Electrical Development Co., Ltd., should reduce the meter rent from annas 8 to annas 4 per month. The question for the consideration of the R.L.A. is whether the order is ultra vires.

2. Sub-section (1) of section 23 of the Indian Electricity Act, 1910 empowers a licensee to make such charges for the supply of energy as may be agreed upon not exceeding the limits imposed by his license. Clause XI of the Schedule to the Act provides for alteration in the maximum charges for the supply of energy on the recommendation of the Advisory Board. Reading these provisions together it will be clear that charges which the Advisory Board can recommend for alteration relate to the supply of energy only and do not include the meter rent. This view is reinforced by the proviso to section 26(1) which lays down that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof unless the consumer ~~wishes~~ elects to purchase the meter. Consequently it was not within the scope of the Advisory Board to recommend under clause XI of the Schedule alteration in the meter rent charges. Nor was it competent for Government on such recommendation to order such alteration.

3. It is true that the heading of clause 9 of the license in the present case appears to indicate that the prices charged in respect of the supply of energy include meter rent (see sub-clause (3) of clause 9); but that heading appears to be misleading and is not correct in so far as it relates to meter rent. The contention A at p.52 ante raised by the Panvel Taluka Electrical Development Co., Ltd., appears to be valid.

Sd/- P.N.Moos.

Remembrancer of Legal Affairs.

Resubmitted.

2. In view of the opinion given by the R.L.A. on the Panvel case regarding alteration in the meter rent charges clause 2 of the Govt. Order No. 5226/36 dated the 12-11-41 will have to be cancelled. The necy. drafts are put up. It is hardly necy. to trouble the Secy. and A(R) with this.

X / 47 an

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12/5/43

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to be published in Pt.I of the B.G.G.)

30

ORDER.

P. W. Deptt.
B.C., 14/11 May 1943.

No. 5226/36 - Clause (2) of Govt.
in the P.W.D. / 14/11
Order No. 5226/36 dated the 12th November
1941 is hereby cancelled.

I.E. Act, 1910.

9

5/11
12/5/43

By order etc.,

Handwritten signature and date 12/5/43

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13/5-

DS

VR.
11/5.

5226/36.

No. 5226/36-M.

P. W. D.
B.C., ^{25th} May 1943.

Copy of Govt. Order No. 5226/36, dated
the 14th May 1943, is forwarded
to -

the F.D.,
the G.D.,
the Commr., S.D.,
the Collr. of Dharwar,
the S.E., S.C.,
the El. Engr. to Govt.,
the Ex. Engr., Dharwar Dn.,
the A.G., Bombay,
Jewan Bahadur K.M. Jhaveri,
Sir Alexander Gray, Kt.,
The Examiner, Outside Audit, B'bay,
R.G. Higham, Esq.,

[with ref. to G.O. No. 5226/36 dated the
12-11-41 appended to G.R. of the same No.

and date.

By order etc.,

DS

2/11/43
12/5/43
2/13/43

226/36.

No. 5226/36-M.

B. C. ^{E. W. D.} ~~25~~ May 43.

To

The Managing Agents,
The Dharwar El. Supply Coy., Ltd.,
Dharwar.

Subject:-Dharwar El. License, 1926.
Orders reg. alteration of
maxima charges fixed by the-.

.....

Dear Sirs,

I am directed to invite a ref.

to G.L.No. 5226/36-M, dated the 24th Nov.

1941 and to enclose for your information

a copy of Govt. Order No. 5226/36 dated

the 14th May 1943 amending G.O. No. 5226/36

dated the 12-11-41.

Yours faithfully,

D.A.-Copy of G.O.
refd. to.

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J. D. ...
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9/12/5
27/5- (J) ... 52-34 & ...
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